

May 24, 2010

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OFFICE OF GENERAL
COUNSEL

Jeff S. Jordan
Supervisory Attorney,
Complaints Examination & Legal Administration
Federal Elections Commission
Washington, D.C. 20463

Dear Mr. Jordan:

**Re: MUR 6158- PHILIP LIBERATORE, LIBERATORE FOR CONGRESS
COMMITTEE-2010**

Pursuant to your letter of May 17, 2010, the Liberatore for Congress Committee hereby responds as the real party-in-interest to the complaint dated April 26, 2010. This response incorporates all comments from the entities named in the above complaint.

In reviewing the complaint filed by Michael Cargile we are dismayed that such a complaint has been filed and urge the Federal Election Commission to dismiss the item without further action. Mr. Cargile alleges that my client is using his *"his campaign and political contributions for the purpose of promoting his business..."*

A cursory examination of the letter upon which the complaint is based would reveal that the letter is a lawful attempt to gain the support of Boca Chamber of Commerce members for his candidacy for Congress, not his business. In the introductory and fourth paragraphs my candidate identifies his businesses- and then only as a means to communicate his knowledge and empathy for his fellow business owners and Chamber members. In the entirety of the letter, he attempts to gain their political support through persuasion and advocacy. In no manner does he attempt to directly solicit business for IRS Problem Solvers, Inc or for Philip Liberatore, CPA.

Mr. Cargile also alleges the Committee is also in violation of a California Secretary of State and Superior Court decision that bars the Committee from promoting the candidate's business. No such decision exists. The Secretary of State barred the use of "IRS Problem Solver" as a ballot designation for my candidate and the California Superior Court denied

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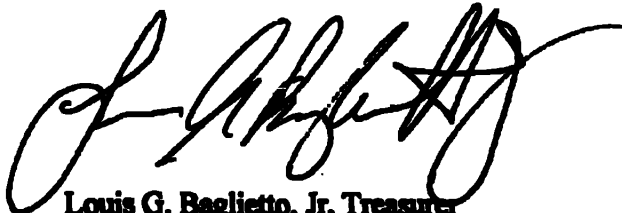
Jeff S. Jordan, FEC- MUR #6288
Liberatore for Congress Committee- 2010
May 24, 2010
Page 2 of 2

my client's writ of mandate. No order barring identification of my client's businesses was issued by the Superior Court, nor would it ever pass Constitutional muster. It would seem that Mr. Cargile equates the identification of a business with the promotion of a business' services. This is erroneous. The Federal Election Campaign Act of 1971 as amended has specific prohibitions against the use of business names, trademarks and logos for the purpose of soliciting funds. No such solicitation occurred in this letter. In addition, numerous federal candidates have used their professional occupations or affiliations as a way of expressing their qualifications for office. There is no proscription in the Act that bars the identification of my client's businesses or his occupation, nor to use those occupations or professions to advocate for his election.

In conclusion we urge that the FEC close the MJR without further action.

The forgoing is correct and accurate to the best of my knowledge, information and understanding.

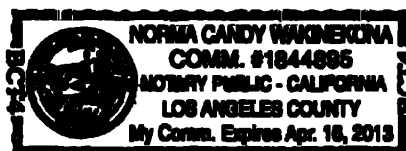
Respectfully submitted,



Louis G. Baglietto, Jr, Treasurer
Liberatore for Congress Committee-2010
4331 E. Elko Street
Long Beach CA 90814
(310)748-9023

Cc: Frankie D. Hampton via email: _____

Sworn to and subscribed before me this 26 day of May, 2010.



N.C. Wawirukona
Notary Public

My Commission Expires: April 16, 2013

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